IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO. 3262 OF 2004

IN

TESTAMENTARY SUIT NO. 9 OF 2004

IN

PETITION NO. 827 OF 2001

Homaji Phiroze Adajania ....Deceased

Jimmy D. Mobedji and anr ....Petitioners
AND
Meher Rusi Surty and ors. ....Defendants/
Caveators.

Z.B. Kamdia i/b. Wadia Ghandy and Co. for the petitioner.

Jimmy Mehta with H.G. Bhambhani for defendant no.3 to 5.

CORAM: S.U. KAMDAR, J.

DATE : 11TH AUGUST, 2005.

P.C. :

1. By consent of the parties the Receiver is appointed inrespect of flat no.A/41, Meherzin, 'A' Block, 109, Wodehouse Road, Colaba, Bombay-400 005. The receiver is directed to take actual physical possession thereof and at the time of taking possession the receiver shall make the inventory of the furniture and fixtures and other belongings lying therein and give copies of the said inventory to both the parties. Both the parties are at liberty to remain present at the time of taking of

inventory and the receiver will give notice to the parties and thereafter visit the suit flat. Learned counsel appearing for the petitioner states that the keys of the said flat are in his possession and he shall hand over to the Receiver as and when the receiver fixes the appointment for the aforesaid purpose.

2. The receiver is directed to invite bids for appointment of an agent for the said flat premise on the usual terms and conditions of security and royalty. The Receiver after inviting bids will appoint the highest bidder as an agent of the Receiver inrespect of the said flat. The amount received towards royalty charges will be deposited with the Court Receiver and the same shall abide the final orders passed in the present petition. The receiver before appointing the highest bidders as an agent will value the suit flat and furnish copies of the valuation report to both the parties. Both the parties are at liberty to bring the persons for being appointed as agent of

the Court Receiver subject to a condition that the bids will not be less than the highest bids received by the court receiver.

3. Inso far as prayer (f) of the motion is concerned, leaned counsel appearing for the petitioner state that he will make necessary inquiries inrespect of the bank accounts which are mentioned therein and if they are belonging to the deceased then necessary application for being incorporated in the Schedule-I to the petition will be initiated by the petitioner. Such inquires will be made and an application if necessary will be filed within two weeks from today.

4. The Receiver is also appointed of all the movables which are found in the premises and while fixing the royalty charges the Receiver will take into account the user of the said furnitures and fixtures by the person who is appointed as an agent of the Court Receiver.

5. With the aforesaid order motion disposed off.

sd/-

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